

REMARKS

The Office Action mailed on January 24, 2006 in the above-mentioned application has been carefully considered, and this paper is responsive thereto. Claim 30 has been amended. Claims 32-37 have been canceled without prejudice or disclaimer. No new matter has been added.

Rejection under 35 U.S.C. § 102

Claims 30, 31, 33, and 35-37 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Korf et al. (U.S. Patent 6,013,029). Claims 33, and 35-37 have been withdrawn.

Claim 30 has been amended to incorporate limitations from the dependent claims and to clarify the structure of the device according to the present invention. In particular, amended claim 30 recites a device for measuring fluids in a body including, *inter alia*, a supporting plate positioned substantially parallel to the skin surface and having a lower surface positioned against the skin surface and an upper surface facing away from the skin surface, wherein the supply tube and the discharge tube flow through the support plate in a direction substantially perpendicular to the skin surface; an outlet portion positioned on the upper surface of the supporting plate and coupled to the discharge tube at a joint portion positioned on the upper surface of the supporting plate, wherein the dialysis fluid containing constituents flows from the discharge tube to the outlet portion through the joint portion; a valve positioned in the discharge tube adjacent to the joint portion for preventing a reverse flow of the dialysis fluid into the discharge tube; and a sensor for measuring attributes of fluids in the body, wherein the sensor is positioned in the joint portion between the discharge tube and the outlet portion. This combination of features is not taught or suggested by the art of record (Korf et al., Say, and Pfeiffer et al.).

Claim 31 depends from amended claim 30 and is patentable over the art of record for at least the reasons set forth above with respect to new claim 38.

Rejection under 35 U.S.C. § 103

Claim 32 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Korf et al. in view of Say (U.S. Patent 6,128,519). This claim has been withdrawn, and withdrawal of this rejection is therefore requested.

Claim 34 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Korf et al. in view of Pfeiffer et al. (U.S. Patent 5,640,954). This claim has been withdrawn, and withdrawal of this rejection is therefore requested.


Conclusion

Entry of this amendment pursuant to 37 C.F.R. § 1.116 is requested, as the amendment places the rejected claims in better form for consideration on appeal. Moreover, this application now stands in allowable form, and reconsideration and allowance are requested.

Respectfully submitted,

DORSEY & WHITNEY LLP
Customer Number 25763

Date: May 24, 2006

By: 
David E. Bruhn, Reg. No. 36,762
(612) 340-6317